

NOVEMBER 2, 2001

REQUEST FOR BID

DECENTRALIZED SOLAR (DS)

1.0 INTRODUCTION

1.1 OVERVIEW

California's recent experience has confirmed that the state lacks sufficient electricity generation capacity. Much of the existing capacity is over 30 years old and will need to be replaced or repowered. California State Government, through the newly formed California Power Authority (the Authority), is pursuing expeditious means of increasing capacity and increasing the role of renewable resources and cleaner, more efficient generation technologies. Siting clean and efficient distributed power systems is an important element of this effort.

This request for bid (RFB) solicits responses that will be used to create a list of eligible solar photovoltaic (PV) and other decentralized solar technology (hereafter referred to as decentralized solar (DS)) bidders based on their companies' qualifications, and product prices over specified time periods. Eligible, qualified bidders will be able to respond to requests for future proposals (RFPs) issued by the Authority for DS projects at various State buildings and other public entities at the prices stated in these RFB's. Only successful, and qualified bidders in this process will be eligible for these potential long-term purchase contracts for the State.

The Authority intends to award two initial purchasing contracts from the list of eligible bidders selected through this RFB. Each contract will be for a four year period and commit the successful contractor to manufacturing and installing 10 MW of DS each year of the contract for a total of 40 MW for each contract. Each successful contractor will be given preference for manufacturing in California and making available for sale in California an equivalent amount of DS material each year of their awarded contract (10 MW per year for four years) at a price to not exceed that paid by the State (in accordance with 2.6).

Because the prices of DS are expected to decline in the future as volume increases, this RFB asks for separate prices for installations in successive time periods. Its intent is to establish eligibility lists and prices for each year during this period in response to a 4-year commitment by the Authority. Respondents must indicate the capacity they could provide and projections of the installed prices by year in Exhibit A with the commitment that responses to future RFP's for contract purposes must reflect prices at or below the prices indicated in respondent's RFB submittal.

Only companies meeting the criteria stated herein can be placed on an eligibility list for future state PV purchase contracts. The State reserves the right to reopen the eligibility list periodically and to place additional companies on the list.

1.2 OBJECTIVE

The Authority intends to issue RFPs for the development of a number of DS projects from 2002 through 2005. Its goal is to purchase and install at least 10 MW of DS power annually for the years 2002-2005 for a total of 40 MW. Two manufacturers will be selected for contracts that can each deliver this 40 MW to get for a total of 80 MW over the next 4 years. The Authority then wishes to see adequate installation proposals from eligible bidders to site the DS at State and other public agencies in California through RFPs.

1.3 SOLICITATION PROCESS

The Authority will consider for eligibility respondents offering any DS technology meeting the requirements of this RFB, although each technology shall be evaluated for appropriateness at particular sites under specific RFP's subsequently issued by the Authority. The Authority intends to act as the purchasing agent for State and other public agencies to place DS in those agencies' buildings or other appropriate sites. The Authority expects that the installed DS will be priced at a level that will allow the agencies to recover their cost over their useful life at the price the State would otherwise pay for electricity. Through this RFB, the Authority will identify an eligible list of vendors and manufacturers through review by an expert panel. This list will be available to any public entity to issue subsequent RFP's. The Authority intends to select the top two qualified vendors who will then be invited to be complete installation proposals in each of the years 2002, 2003, 2004, and 2005.

Each respondent to the RFB must demonstrate that it satisfies the minimum qualifications set forth in Section 2 below in order to be selected as an eligible vendor. Its response must conform to the outline in Section 3, and must adequately address all points set forth in that Section.

If a respondent is placed on the eligibility list, its bid price for equipment in response to subsequent RFPs or contracts for installations in the first year (ending October 1, 2002) shall not exceed the indicative price in this submittal. If the respondent fails to comply with this requirement, the Authority may choose to remove the respondent from the eligibility list.

Responses to this RFB must be submitted in writing, signed by an authorized officer or agent of the respondent. All responses should have "DS Request For Bid Response" marked clearly and prominently on the envelope.

The Authority must receive ten copies of the respondent's package no later than 5 p.m. on December 21, 2001. Responses submitted after this time and date cannot be accepted, and responses that are incomplete or do not conform to the requirements of this RFB will not be considered.

Responses shall be submitted to:
California Consumer Power and Conservation Authority
Attn: DS Request For Bid Response
901 P Street, Suite 142A
Sacramento, CA 95814

All questions related to this RFB shall be directed to:
Tracy Saville
(916) 651-9799
(916) 651-9595 (fax)
Tracy.Saville@dgs.ca.gov

A pre-submittal conference will be held at TBA for the purpose of addressing respondent questions concerning this RFB and the submittals requested under it. Attendance is encouraged but not required. Those who wish to attend, in person or by conference call hookup, must notify the Authority not later than the close of business on TBA by phone at (916) 651-9799 or by email addressed to tracy.saville@dgs.ca.gov.

Tentative Key Action dates are as follows:

RFB Publication	November 9, 2001
Bidders Conference	On or before Nov. 24 TBA by 11/9
Written Q & A Submissions by	TBA
Closing Bids Due	December 21, 2001
Expert Review Panel	By January 1, 2002
Eligible Bidders List Issued	By January 1, 2002
RFP issued	*February 1, 2002
Contracted Installations	Summer 2002

*Or before.

2.0 MINIMUM QUALIFICATIONS AND REQUIREMENTS

2.1 QUALIFICATIONS, EXPERIENCE AND REFERENCES

Each respondent must identify the entities it expects to comprise its team for any future DS installations, the key personnel it expects to be involved, and the officer or employee that has authority to negotiate for and enter binding agreements on behalf of the respondent as indicated in Section 3.3.1 of this RFB.

To be included on the eligibility list, a respondent must specifically describe technology in detail and then their experience and qualifications including manufacturing, pricing, completed projects, aggregate capacity and any examples of commercial installations or demonstrations wherein the power produced was/is intended to be put to practical use by the host site. In addition, financing arrangements to construct the manufacturing facility should be clearly outlined, along with credit history information for the principals involved. Respondents must provide information describing their experience as indicated in Section 3.3.2 of this RFB. The Authority reserves the right, at its' sole discretion, to evaluate and select two or more qualified eligible bidders on the basis of the information provided in this RFB and to request further supplemental information from the submitting bidder in order to make such determinations.

Each successful contractor will be given preference for manufacturing in California and making available for sale in California an equivalent amount of DS material each year of their awarded contract (10 MW per year for four years) at a price to not exceed that paid by the State (in accordance with 2.6). RFB respondents must provide references for owners of projects that the respondent has previously installed as indicated in Section 3.3.3 of this RFB. These references may be checked to determine that respondent's performance substantially met project goals and contract requirements.

Any bidder of decentralized solar thermal (no greater than 5 MW) shall submit information comparable to that requested in this RFB designed for PV.

2.2 CAPACITY AND PRICING

The Authority intends to award two contracts on the basis of price and preferences in Section 2.6 and Section 5.15 from the eligible list of selected bidders deemed to be qualified pursuant to Section 2.1. Each contract will be for a four year period and commit the successful contractor to manufacturing and installing 10 MW of PV each year of the contract for a total of 40 MW for each contract. Additional preference criteria will be identified in RFPs for California manufacturing and sale provisions as indicated in Section 1.1.

Each bidder should submit a schedule of what the cost of the DS equipment will be for each year of the contract. Selected qualified contractors will be required to submit detailed price lists for installation costs (labor, materials other than the DS, and all related costs for the design and installation) of the DS systems for various site-specific installation configurations (rooftops, large open field installations, covered parking lot configurations, etc); and potentially an estimate of the minimum size of installation to achieve cost-effectiveness for each installation configuration. The cost estimates for each installation configuration should also include estimates for interconnections, metering, and other necessary and related costs to comply with PUC regulations for these installations.

Actual approved installation contracts will be negotiated and authorized once the eligible bidders list phase is complete with bidders deemed to be most qualified. Orders under negotiated contracts will be authorized with a separate schedule and budget established for each project or group of projects targeted for installation during the contract period. The Authority reserves the right to purchase the DS equipment only and make other arrangements for installation and related equipment.

Future turnkey installation bids may:

- assume turn-key installations;
- include on-site training for routine operations and maintenance;
- include minimum five-year warranties on commercially reasonable terms or equivalent risk management mechanism, standard or better for the industry and equal to or exceeding the standards in Section 2.4 below; and
- include all of the above costs in the prices furnished on Exhibit A.

Responses for manufacturer and provision of components should:

- include minimum five-year warranties on commercially reasonable terms, standard or better for the industry and equal to or exceeding the standards in Section 2.4 below; and
- include all of the above costs in the prices furnished on Exhibit A regarding indicative price, warranty and operation and maintenance costs.

When subsequent contracts are negotiated or future RFP's are issued, the turnkey responses must include all processes and equipment needed to produce electric power suitable for use by the electrical system of the site. The design of integrating the DS with the other power sources for the site of installation will be the responsibility of the respondent. Final project installation proposals for contracts must cover all these and other costs to achieve commercial operation.

If an RFB respondent's prices per kW of capacity installed are not typically linear across a range from 20 kW to 500 kW, the respondent may submit up to three Exhibit A's clearly indicating a range around a midpoint on each. The aggregate Exhibit A's must cover the full range from 20 kW to the largest capacity that the RFB respondent could propose (but not in excess of 500 kW).

RFB responses should be predicated on delivery of equipment to the Stockton area. This is not to imply installations will only be considered in the Stockton area, but rather for purposes of evaluation against which to provide comparable pricing. In higher or lower-priced areas, cost adjustments may be made if the Authority is provided adequate justification. The intent is to install equipment in higher-priced investor-owned utility areas or in cooperation with local municipalities outside of investor-owned utility regions.

Respondents must also demonstrate bonding capacity or other financial strength sufficient to support the offerings described in Exhibit A; required information is detailed in Section 3.3.5 below.

2.3 TECHNICAL AND CONSTRUCTION REQUIREMENTS

All solar PV systems offered are expected to meet the specifications described in Exhibit B. Respondents must indicate in Section 3.3.5 of their submittals either that (i) they will comply with all the provisions listed in Exhibit B or (ii) they cannot comply with certain of the provisions, identifying specific provisions with which they cannot comply. Subsequent RFPs issued by the Authority may require compliance with additional site-specific conditions.

Respondents must describe the technology(s) that they most commonly use for rooftop installations on commercial buildings and respond to the technical questions and submittal requirements in Section 3.3.5.

2.4 WARRANTIES AND SERVICE CONTRACT

Respondents are required to offer, directly or through an affiliate, contractor, energy service provider or other business arrangement, the following warranties and extended service arrangements:

- Five-year system performance, breakdown and degradation warranties on commercially reasonable terms covering removal, repair and replacement of defective components;
- Following the five-year warranty period, an annual system service contract on commercially reasonable terms;
- A twenty-year photovoltaic output warranty, measured as output from the inverter in kW AC, pursuant to a proposed degradation curve; and
- Comprehensive onsite training in DS operations, safety, and maintenance.

Respondents are expected to offer a minimum five-year performance warranty for each installation. The warranty should guarantee that the system as-built will produce within 5% of the warranted kW AC at the output of the inverter (to be demonstrated initially by a successful acceptance test within 60 days following completion of the installation) using PVUSA test conditions (See Exhibit B). If system output is expected to degrade over time, the warranty should also include and warrant a degradation schedule.

At each installation site, respondents will be expected to provide training in the operation, maintenance, and safety of their systems and, following the five-year warranty periods described above, to provide an annual service contract on commercially reasonable terms.

If any of the preceding warranty and service requirements are not acceptable, respondents must indicate which ones and explain the scope of any exceptions or exclusions they propose to make as specified in Section 3.3.6 below.

2.5 PROJECT MILESTONES

For purposes of evaluation, respondents are required to submit a milestone schedule for development and installation of a typical rooftop PV system having a capacity of roughly 250 kW, as further specified in Section 3.3.7 below. This information will be used to assist the Authority in its evaluation and selection process for qualified contractors, for planning and budget process, and will not be grounds for disqualification under this RFB unless the Authority believes the schedule is not commercially reasonable.

2.6 California Presence: EZA, LAMBRA, and TACPA, and SBPCA

If applicable, identify EZA, LAMBRA, TACPA, and SBPCA information per Section 2.6. For future RFP's and all contracts, these preferences apply. More information can be obtained by contacting osbcrhelp@dgs.ca.gov.

EZA

The Enterprise Zone Act (EZA) allows state contracting officials to give California based companies a bid preference when 50% of the labor required to perform commodities contracts or 90% of the labor for services contracts is performed at the approved EZA work site(s). To receive a contract award based on preferences, the company must certify under penalty of perjury that the required contract labor shall be accomplished at the approved work site.

Companies qualifying for the 5 percent work site preference may request an additional 1 to 4 percent workforce preference by certifying to hire a specified percent of their contract workforce labor hours from a targeted employment area, or from enterprise zone eligible employees. See Exhibit D for further details.

LAMBRA

The Local Agency Military Base Recovery Area (LAMBRA) Act provides for two bidding preferences: Worksite and Workforce

Worksite Preference: LAMBRA provides a 5 percent bidding preference on state solicitations for goods and services valued at more than \$100,000 if the worksite is located in a LAMBRA as designated by the State Trade and Commerce Agency.

LAMBRA allows state-contracting officials to award the bid worksite preference when 50% of the labor hours required to perform a contract for goods, or 100% of the labor hours required to perform a contract for services is performed at the approved worksites.

Workforce Preference: Companies qualifying for the 5% worksite preference may request an additional 1% - 4% workforce preference by certifying to hire a specified percent of the contract workforce

employees from those designated as LAMBRA qualified individuals (See Assembly Bill 3: Chapter 1012, 9/30/1998).

To request workforce preference, the bidder must first identify an eligible worksite. The Office of Small Business Certification and Resources (OSBCR) in the Department of General Services administers the LAMBRA program, and they can be contacted at:

Office of Small Business Certification and Resources
1531 I Street, 2nd Floor
Sacramento, CA 95814-2016

Receptionist: (916) 323-5478
Fax: (916) 442-7855
24-Hour Recording & Mail Request call (916) 322-5060.
E-mail: osbcrhelp@dgs.ca.gov

See Exhibit E for further details.

TACPA

The Office of Small Business Certification and Resources (OSBCR) is also the administering agency for the Target Area Contract Preference Act (TACPA) program that was implemented in State procurement in 1982. TACPA provides a 5 percent bid preference on service and commodity contracts valued at more than \$100,000 if the business work site is located in a distressed area as designated by the Office of Planning and Research.

The TACPA allows state contracting officials to award California based companies the bid preference when 50% of the labor required to perform commodities contracts or 90% of the labor for services contracts is performed at the approved work site(s). TACPA work sites may be in, or directly adjacent to and forming a contiguous boundary with, the distressed area. To receive a contract award based on preferences, the company must certify under penalty of perjury that the required contract labor shall be accomplished at the approved work site.

Companies qualifying for the 5 percent work site preference may request an additional 1 to 4 percent workforce preference by certifying to hire a specified percent of their contract workforce labor hours from among persons with high risk of unemployment.

See Exhibit F for further details.

SPPCA

The Office of Small Business Certification and Resources (OSBCR) is also the administering agency for the Small Business Procurement and Contract Act. For specific information regarding this preference allowance for contracts, please contact:

Office of Small Business Certification and Resources
1531 I Street, 2nd Floor
Sacramento, CA 95814-2016

Receptionist: (916) 323-5478
Fax: (916) 442-7855
24-Hour Recording & Mail Request call (916) 322-5060.
E-mail: osbcrhelp@dgs.ca.gov

3.0 SUBMITTAL REQUIREMENTS

Section 2 above generally described minimum qualifications and requirements for this RFB. This Section 3 identifies specific topics and issues that each respondent must address, and outlines the organization that each respondent must follow in its written response to enable the Authority to compare and fairly evaluate the responses. The number of pages indicated for each topic is advisory only, but brevity is appreciated and advised.

3.1 TRANSMITTAL LETTER (2 PAGES)

Each respondent shall include a transmittal letter signed by a party authorized to sign binding agreements for projects of the nature ultimately contemplated by this RFB. The letter shall clearly indicate that the respondent has carefully read all the provisions in this RFB and, that by submitting a response, it agrees to be bound by them.

3.2 EXECUTIVE SUMMARY (2 PAGES)

Submittals shall include an Executive Summary.

3.3 QUALIFICATIONS, EXPERIENCE AND CAPACITY TO PERFORM (2 PAGES)

3.3.1 QUALIFICATIONS OF TEAM (2 PAGES PLUS RESUMES)

Each respondent shall provide the following information regarding its team:

- Names of team member(s), major subcontractor(s) and supplier(s)
- Roles and relationships of the team members
- Name of the team member who will be the lead negotiator and will sign the contract with the State for the development of any projects awarded pursuant to subsequent RFPs
- Resumes for key employees likely to work on projects that may be solicited pursuant to subsequent RFP's

3.3.2 TRACK RECORD AND EXPERIENCE (3 PAGES)

For the lead developer (and for the installation and/or construction firm, if different) indicate:

- Total kW of PV placed in commercial operation or practical demonstration.
- Detailed descriptions and total number of PV installations to date (if applicable), showing both turnkey installations and installations in which PV panels were provided as components to the contractor.
- All turnkey projects placed in commercial operation or practical demonstration.
- Whether the company and/or its officers or principals are party to any lawsuit involving the performance of any equipment it has installed; if so, please include a summary of the issues and status.
- Any previous manufacturing experience of PV products including current and historical financial information.

3.3.3 REFERENCES (2 PAGES)

- For evaluation of qualified contractors, please provide a list of at least three PV projects completed since January 1, 1999 indicating project capacity, its installed cost, the name of the customer company, and the address of the installation, and the capacity.
- For each project listed above, indicate the name, title and phone number of the individual at the customer company who the Authority can contact as a reference.
- For turnkey project proposals, if not included in the preceding point, references for one turnkey installation you have completed (such references may be checked for performance, quality of service and satisfaction of contract obligations).
- For manufacturing proposals, provide the contact information name of three customers for whom you manufactured product and the amount of sales to those customers.

3.3.4 CONTRACT AND FINANCIAL CAPACITY (2 PAGES PLUS FINANCIAL STATEMENTS)

- Indicate in the attached Exhibit A the volume of PV installations that you could complete in 2002 through 2005.
- Describe your bonding capacity and indicate the relevant sureties or insurance companies that serve as your performance-bonding agent.
- Provide audited financial statements (or unaudited, if audited statements are not available) for your two most recent years of operations.¹
- Indicate whether you can commit to manufacture and sell to the general public an amount of capacity equal to that committed to the State at prices no higher than those indicated in your response to this RFP.

3.3.5 SYSTEM TECHNICAL DESCRIPTION (4 PAGES PLUS EXHIBIT B)

Respondents shall either (i) indicate that their systems will comply with all the requirements of Section 2.2 and Appendix B of this RFB or (ii) list the items that would not comply and explain why. Respondents shall also complete Exhibit A. Note that a response to a subsequent RFP may be rejected if the values submitted in response to the RFP are inferior to those provided in response to this RFB.

- Describe the technology (or technologies) your company typically proposes including at least the following information:
 - Photovoltaic array materials
 - Inverters
 - Structural materials
 - Balance of systems components
- Do you tend to favor flat mounted or tilt mounted systems?
- Do your systems typically penetrate the roof?
- Indicate in Appendix A the operating and maintenance requirements (including personnel and hours) and estimated annual costs of operations and maintenance.

¹ See Section 5.11 regarding confidentiality.

- Indicate the typical degradation rates experienced in field installations and, if empirical evidence is not available, project the degradation rates for the useful life of the panels (but not in excess of 30 years).
- Indicate any other benefits your system provides that other systems could not provide, but only include benefits that can be readily measured and agreed to by an independent engineer.
- Indicate any significant product enhancements that you expect to be available for installation in response to RFP's within the multi-year horizon of this RFB.

3.3.6 WARRANTY AND SERVICE CONTRACT (2 PAGES PLUS ATTACHMENTS)

- Indicate whether you can comply with the minimum warranty requirements as set forth in this RFB and Section 2.4 in particular.
- If you cannot comply with the warranty requirements in this RFB, indicate the areas of shortcoming including exceptions to scope and exclusions (note that the warranty must in any event run for at least 5 years from the State's final acceptance of an installation).
- Indicate whether any other warranties from suppliers are available to the State and, if so, indicate who provides the warranty and its major terms.
- If you have a standard warranty agreement, please provide.
- Indicate the annual cost of extended (post-warranty) service contract.
- If you have a standard service agreement, please provide.

3.3.7 TYPICAL PROJECT SCHEDULE AND TIMING (1 PAGE)

For evaluation purposes, submit a schedule for a typical 250 kW rooftop project indicating the expected milestones (each task referenced to the receipt of a Notice to Proceed):

- Notice to Proceed Week 0
- Permit application materials, including design schematics
- Pre-construction meeting
- Delivery of PV modules
- Delivery of inverters
- Delivery of Balance of Systems components
- Delivery of support structures and other structural materials
- Installation start date
- Completion date
- Testing of installation
- Turn-key delivery for operation
- Completion of punch list
- Delivery of two (2) sets of As-Built plans for each system
and all equipment operating manuals

4.0 EVALUATION PROCESS

Respondents will be evaluated based on the overall quality of the response to the RFB, whether they satisfy the minimum requirements set forth in this RFB, and on capacity and price competitiveness. (See Exhibit C). The Authority reserves the right, at its sole discretion, to accept a response that does not satisfy all requirements but which, in the Authority's sole judgment, sufficiently demonstrates the ability to produce, deliver, design, permit, and install a substantial volume of DS projects and to satisfy the major requirements of this RFB. The Authority reserves the right to interview any or all respondents to this RFB or to ask for additional information or clarifications. The Authority expects to complete its evaluation process to select eligible bidders and qualified contractors through an expert review panel within prescribed Key Action dates identified on Page 3, and within three weeks of receiving the bid.

5.0 GENERAL RULES

- 5.1 CLARIFICATIONS.** A potential respondent may request clarification of any provision in this RFB. Unless the State deems such clarification to be trivial in nature, any such clarifying questions and the State's response thereto will be addressed as an Addendum to this RFB. In no event can oral representations be relied on by a respondent if such representation conflicts with this RFB including any Addenda.
- 5.2 ADDENDA.** The State may modify any part of this RFB prior to the date indicated for submission of responses. Any addendum will be in writing and will be issued to all respondents who have received this RFB. Addenda will be consecutively numbered.
- 5.3 NO OBLIGATION; CANCELLATION AND RE-ISSUANCE OF RFB.** This RFP does not obligate the State or the Authority to establish eligibility for any respondents, or to issue any subsequent RFP's or enter into any agreements. The State reserves the right to cancel or re-issue this RFB at any time, and to solicit qualifications through any other appropriate method.
- 5.4 REJECTION OF PROPOSALS.** The State may reject any response that the State deems to be incomplete, unresponsive to this RFB, significantly inaccurate in its representation or which is unacceptable to the State in the context of this RFB and the RFP's which are contemplated to be issued subsequently.
- 5.5 ONE PROPOSAL PER VENDOR.** A respondent may submit only one response to this RFB. However, a respondent may be a subcontractor to any number of other respondents that may submit responses to this RFB.
- 5.6 SUBSTITUTIONS.** Vendors may substitute or alter their responses subsequent to the submission date only if such changes are approved in writing by the State.
- 5.6 DURATION OF BIDS.** The prices and capacities indicated in responses to this RFB shall be deemed to continue in effect for the time periods indicated in the responses unless the State agrees in writing to a change.
- 5.8 COST OF PROPOSAL AND NON-COMPENSATION.** Each respondent is solely responsible for all costs associated with responding to this RFB. The State will not in any event reimburse any respondent for any costs associated with this RFB. The State reserves the right to make use of any information or ideas contained in the responses without compensation to the respondent.

5.9 DELIVERY OF PROPOSALS. Each respondent is solely responsible for assuring a timely submittal of its response. Late responses will not be accepted unless the State.

5.10 WITHDRAWAL OF PROPOSAL. Responses to this RFB may be withdrawn after submission by written request of the respondent's authorized representative prior to the date and time specified for response submissions. Proposals may be withdrawn and resubmitted in the same manner if done so prior to submission deadline.

5.11 DISPOSITION OF PROPOSALS; CONFIDENTIAL INFORMATION. All submittals and the information therein become the property of the State upon submittal. Confidential information shall be returned at the bidder's request and only at the respondent's expense. All responses received by the State are public records and will be available for review by the public. Responses containing information the respondent requires to be kept confidential will be rejected as non-responsive.

5.12 ENDORSEMENTS AND PRESS RELEASES. If a respondent is added to the eligibility list pursuant to this RFP, such respondent shall not issue any new releases or other statements pertaining to the award that state or imply the State's endorsement of such respondent's services or products without the written agreement of the State

5.13 kW. Wherever used herein the term 'kW' means kW of AC capacity measured as output from the inverter.

5.14 DISPUTES.

- a) The parties shall deal in good faith and attempt to resolve potential disputes informally. If the dispute persists, contractor shall submit to the Executive Director or designee a written demand for a final decision regarding the disposition of any dispute between the parties arising under, related to or involving this contract, unless the State, on its own initiative, has already rendered such a final decision. Contractor's written demand shall be fully supported by factual information, and if such demand involves a cost adjustment to the contract, contractor shall include with the demand a written statement signed by an authorized person indicating that the demand is made in good faith, that the supporting data are accurate and complete and that the amount requested accurately reflects the contract adjustment for which contractor believes the State is liable. If the contractor is not satisfied with the decision of the Executive Director or designee, the contractor may appeal the decision to the Board Chair. In the event that this contract is for information technology goods and/or services, the decision may be appealed to an Executive Committee of State and contractor personnel.
- b) Pending the final resolution of any dispute arising under, related to or involving this contract, contractor agrees to diligently proceed with the performance of this contract, including the delivery of goods or providing of services in accordance with the State's instructions. Contractor's failure to diligently proceed in accordance with the State's instructions shall be considered a material breach of this contract.
- c) Any final decision of the State shall be expressly identified as such, shall be in writing, and shall be signed by the Executive Director or designee if an appeal was made. If the State fails to render a final decision within 90 days after receipt of contractor's demand, it shall be deemed a final decision adverse to contractor's contentions. The State's final decision shall be conclusive and binding regarding the dispute unless contractor commences an action in a court of competent jurisdiction to contest such decision within 90 days following the date of the final decision or one (1) year following the accrual of the cause of action, whichever is later.

5.15 DISABLED VETERAN BUSINESS ENTERPRISES

The state established a 3% Disabled Veteran Business Enterprise (DVBE) Participation Goal to ensure a portion of the state's overall annual contract dollars are awarded to DVBEs. As a certified DVBE you are eligible for the state's 3% DVBE Participation Program, and, DVBE certification status strengthens business networking opportunities via the state's Internet Certified Firm Inquiry Services' certified DVBE query and listing.

DVBE does not apply to this RFB, but will be applicable to subsequent RFP; issued by the Authority. Documentation is provided here for informational purposes.

To be eligible for certification your business:

- Must be at least 51% owned by one or more disabled veterans;
- Your daily business operations must be managed and controlled by one or more disabled veterans (the disabled veteran(s) who manages and controls the business is not required to be the disabled veteran business owner(s)); and,
- Your home office must be located in the U.S. (the home office cannot be a branch or subsidiary of a foreign corporation, foreign firm, or other foreign based business).

For certification purposes, a "disabled veteran" is:

- A veteran of the U.S. military, naval, or air service;
- Has a service-connected disability of at least 10% or more; and
- Must be a California resident.

Access our online [Disabled Veteran Business Enterprise Certification Application](#) (STD. 812), or to receive your hard-copy form by mail, e-mail osbrhelp@dgs.ca.gov or call (916) 323-5478.

5.16 PREVAILING WAGE

The vendor, and any subcontractor thereof, shall pay the rate of wages for regular, overtime and holiday work plus employer payments for all benefits generally prevailing in the locality in which the work is to be performed, as determined by the State of California, Department of Industrial Relations, for all crafts, classifications or types of workmen used on the ordering agency premises at the point of delivery by the vendor, or subcontractor, for the assembly and installation of the materials purchased under this agreement.

5.17 PUBLIC WORKS

For future RFP's, bidders will be required to comply with the Special Conditions – Public Works requirements (Contracting License, Subcontractor Listing, and Worker's Compensation). See Exhibit G.

EXHIBIT A
CAPACITY AND PRICE BIDS

Year ended September 30,		Capacity and Pricing			
		2002	2003	2004	2005
<i>Installation capacity</i>					
	Maximum aggregate capacity that could be installed (kW)				
	Maximum number of projects that could be completed				
	Percentage of capacity in row 1 above divided by respondent's total capacity available				
<i>Indicative price for a 250 kW AC rooftop system</i>					
	Design, engineering, permitting				
	PV panels assembled and delivered to site including applicable sales taxes				
	Inverter(s) delivered to site				
	Balance of plant components				
	Installation of plant				
	Interconnection costs				
	On-site training				
	Transaction and other costs				
	Turn-key price (sum of above)				
<i>Warranty</i>					
	Number of year all-in system warranty is provided (must be at least 5 years)				
	Warranty period of inverter				
	Expected life of inverter				
<i>Average long-term operating and maintenance costs</i>					
	Routine maintenance yearly				
	Replacements				
	Other average annual costs				
	TOTAL(S)				

EXHIBIT B
MINIMUM TECHNICAL AND INSTALLATION REQUIREMENTS

Site-specific technical requirements will be established at the time subsequent RFP's are issued for the installation of PV at various State buildings. The conditions listed in this Exhibit B should be considered as generally applicable to all sites.

The general technical requirements are:

- The power must be provided at 60 Hertz and at 120/240volts single-phase or 480 volts single- or 3-phase.
- The guaranteed power capacity is measured at the inverter AC output using PVUSA Test Conditions (PTC), i.e., 1,000 Watts/m² irradiance, 20 degree C ambient temperature, and wind speed 1 m/sec.
- The system must include all hardware needed for the solar PV.
- All systems must be installed in accordance with all applicable requirements of local electrical codes and the National Electrical Code (NEC), including but not limited to Article 690.
- Systems must be designed and installed using UL or ETL listed components.
- Inverters must comply with the following requirements:
 - IEEE 929-2000, "Recommended Practice for Utility Interface of Photovoltaic (PV) Systems"; and
 - UL Subject 1741, "Standard for Static Inverters and Charge Controllers for use in Photovoltaic Power Systems"
- Other codes that will apply include:
 - AMSE PTC 50 (solar PV performance)
 - ANSI Z21.83 (solar PV performance and safety)
 - NFPA 853 (solar PVs near buildings)
 - NFPA 70 (electrical components)
 - UL 1741 (inverters and controllers)
 - IEEE 1547 (interconnections)

All components, wiring, conduit, and connections must be rated for installation on the exteriors of the buildings, except for connections to existing electrical service panels (if necessary and appropriate). Inverters shall be housed in all-weather enclosures suitable for exterior location. A standard utility-grade kWh meter must be installed to measure the AC output of the inverter. This meter should be located in close proximity to the existing billing meter if at all possible and in a location accessible to utility personnel at each site.

All structures, including array structures, shall be designed to resist dead, live, plus wind and seismic loads for the area. Systems must be able to withstand wind speeds of at least 80 MPH. Also, thermal loads caused by expected fluctuations of component and ambient temperatures must be combined with all the above load combinations.

All structural components, including array structures, shall be painted, coated, or otherwise protected in a manner commensurate with the minimum 30-year design life. Particular attention shall be given to the prevention of corrosion at the connections between dissimilar metals such as aluminum and steel. Because the photovoltaic system will most likely outlast the roofing materials, the structural installation design should provide for easy and cost-effective repair/replacement of the roof under the photovoltaic system.

Roof penetrations (if any) must be waterproofed, and the respondent must provide at least a 10-year warranty against water leakage. Collaboration with the roofing professional responsible for the roof's warranty at the facility may be necessary.

Systems must be designed to have minimum maintenance requirements and high reliability, to have a minimum 30-year design life, and to be designed for normal unattended operation.

The Contractor will be responsible for obtaining all necessary permits for the facilities.

The Contractor will provide meters and meter housings for each system. The State will be providing a Data Acquisition System (DAS) at the sites. Respondents will be required to demonstrate that the installed system meets the output performance standards.

EXHIBIT C
COMPLIANCE WITH RFB SUBMITTAL REQUIREMENTS

Requirement of RFB	Response significantly exceeded standard	Response satisfied standard	Unresponsive or response does not meet standard
Signed transmittal letter indicating acceptance of RFB terms and conditions			
Team and qualifications			
Submitted all data in Section 3.3.1			
Track record and experience			
Minimum experience Section 2.1			
Submitted all data in Section 3.3.2			
Submitted all data in Section 3.3.3			
Contract and financial capacity			
Meets standard in Section 2.2			
Submitted all data in Section 3.3.4			
Completed all of Exhibit A			
Technical and installation			
Meets standards in Section 2.3			
Indicated compliance with Exhibit B			
Submitted all data in Section 3.3.5			
Warranty and service contract			
Indicated compliance with Section 2.4			
Submitted all data in Section 3.3.6			
Milestones and schedule			
Submitted schedule per Section 3.7			
California Presence			
If applicable, data per section 2.6 and 3.3.8			

EXHIBIT D
Enterprise Zone Act (EZA)

Government Code Section 7070, et. seq., provides that California based bidders, shall be granted a 5% preference, not to exceed a maximum of \$50,000, whenever a state agency prepares a solicitation:

- a. For a goods contract in excess of \$100,000 and the worksite(s) is not fixed by the terms of the contract, if they demonstrate and certify, under penalty of perjury, that 50 percent of the labor hours required to manufacture the goods and perform the contract shall be accomplished at an approved worksite(s) located in an enterprise zone (Gov. Code 7084(a)).
- b. For a services contract in excess of \$100,000, and the worksite(s) is not fixed by the terms of the contract, if they demonstrate and certify, under penalty of perjury, that 90 percent of the labor hours required to perform the contract shall be accomplished at an approved worksite(s) located in an enterprise zone (Gov. Code 7084(b))
- c. Where a bidder complies with Gov. Code Sections 7084(a), or 7084(b), and certifies, under penalty of perjury, to hire a specified percentage of persons living within a targeted employment area, or are enterprise zone eligible employees, those bidders shall be granted additional preferences according to the hiring percentages specified as follows:
 1. An additional one percent (1%) preference by certifying to hire employees equal to 5 to 9 percent of the workforce
 2. An additional two percent (2%) preference by certifying to hire employees equal to 10 to 14 percent of the workforce
 3. An additional three (3%) preference by certifying to hire employees equal to 15 to 19 percent of the workforce
 4. An additional four (4%) preference by certifying to hire employees equal to 20 or more percent of the workforce
- d. The maximum that can be awarded for this and any other provision of law is limited to 15 percent, nor shall the combination of all preferences allowable by law exceed one hundred thousand (\$100,000) dollars.

Bidders seeking to obtain an EZA 5 % preference must submit a completed STD Form 831 with or prior to their bid that includes the following:

1. All appropriate certifications.
2. The bidding firm's name and the name of all suppliers and subcontractors that will work with the bidder to fulfill the terms of the contract along with the address(es) of each of the worksite(s) and estimated labor hours.
3. Enterprise zone name(s)
4. Bidder's original signature.
5. The bidder must indicate if seeking the additional 1 to 4 percent preference available for hiring persons with a high risk of unemployment, by checking the appropriate box.

A bidder who has claimed an EZA preference(s) and is awarded the contract will be obligated to perform in accordance with preference(s) requested, provided that the EZA preference(s) was granted in obtaining the contract.

Bidders should contact the city or county economic development office or the State Trade and Commerce Agency at (916) 324-8211 to identify enterprise zone locations. Firms receiving EZA preferences must report their labor hours. Reference the state contract on which the award is based for specific reporting requirements.

Shortcut to EZA Request Form Std. 831: <http://www.osp.dgs.ca.gov/pdf/std831.pdf>

EXHIBIT E

Local Agency Military Base Recovery Area (LAMBRA) Act

Government Code Section 7118, et. seq., provides that whenever a state agency prepares a solicitation for a goods or services contract in excess of \$100,000 and the worksite(s) is not fixed by the terms of the contract, a 5 percent bid preference will be granted to California-based bidders if they certify under penalty of perjury that no less than 50 percent of the labor required to perform a contract for goods, or 100 percent of the labor hours required to perform a contract for services are performed at an approved worksite(s) located in a local agency military base recovery area.

Bidders seeking to obtain a LAMBRA 5 percent preference must submit a completed STD Form 832 with or prior to their bid that includes the following:

1. All appropriate certifications.
2. The bidding firm's name and the name of all suppliers and subcontractors that will work with the bidder to fulfill the terms of the contract along with the address(es) of each of the worksite(s) and estimated labor hours.
3. Military Base Recovery Area name(s).
4. Bidder's original signature.
5. The bidder must indicate if seeking the additional 1 to 4 percent preference available for hiring persons with a high risk of unemployment, by checking the appropriate box.

A bidder who has claimed a LAMBRA preference(s) and is awarded the contract will be obligated to perform in accordance with preference(s) requested, provided that the LAMBRA preference(s) was granted in obtaining the contract.

Bidders should contact the State Trade and Commerce Agency at (916) 324-8211 to identify LAMBRA zone locations. Firms receiving LAMBRA preferences must report their labor hours. Reference the state contract on which the award is based for specific reporting requirements.

Shortcut to LAMBRA Request Form Std. 832: <http://www.osp.dgs.ca.gov/pdf/std832.pdf>

EXHIBIT F
Target Area Contract Preference Act (TACPA)

Government Code Section 4530, et. seq., provides that California based companies shall be granted a 5% preference, not to exceed a maximum of \$50,000, whenever a state agency prepares a solicitation:

- a. For a goods contract in excess of \$100,000 and the worksite(s) is not fixed by the terms of the contract if they demonstrate and certify under penalty of perjury that at least 50 percent of the total hours required to manufacture the goods and perform the contract shall be performed at an identified worksite(s) located in a distressed area.
- b. For a services contract in excess of \$100,000 and the worksite(s) is not fixed by the terms of the contract demonstrate and certify under penalty of perjury that at least 90 percent of the total labor hours required to perform the contract shall be performed at an identified worksite(s) located in a distressed area

Bidders seeking to obtain a TACPA 5 percent preference must submit a completed STD Form 830 with or prior to their bid that includes the following:

1. All appropriate certifications.
2. The bidding firm's name and the name of all suppliers and subcontractors that will work with the bidder to fulfill the terms of the contract along with the address(es) of each of the worksite(s) and estimated labor hours.
3. County census tract number and block group number.
4. Bidder's original signature.
5. The bidder must indicate if seeking the additional 1 to 4 percent preference available for hiring persons with a high risk of unemployment, by checking the appropriate box.

A bidder who has claimed a TACPA preference(s) and is awarded the contract will be obligated to perform in accordance with the preference(s) requested, provided that the TACPA preference(s) was granted in obtaining the contract.

Bidders should contact the Office of Small Business Certification and Resources at (916) 323-5478, to determine if the worksite(s) is eligible. Firms receiving TACPA preferences must report their labor hours. Reference the state contract on which the award is based for specific reporting requirements.

Shortcut to TACPA Request Form Std 830: <http://www.osp.dgs.ca.gov/pdf/std830.pdf>

EXHIBIT G
Public Works Document Package

Preliminary

This solicitation is for equipment that must be installed at the Agency's site by the successful bidder. In accordance with the California Contractor's License Law, in order for a bid to be considered responsive, the bidder must possess a valid contractors license, of the proper classification, at the time of bid opening. (Business and Professions Code, B&P 7028.15)

Statement of Work

License Requirements

The following license(s) is required for this solicitation:

Classification

Contracting law states that a prime contract cannot be awarded to a specialty contractor whose classification constitutes less than a majority of the project. B&P 7059(b) However, required work that is incidental and supplemental to the project may be undertaken by the specialty contractor even though that contractor does not hold those specific specialty licenses. A licensed subcontractor in accordance with the Public Contract Code Section 4100, et.seq, must perform all other work.

Incidental and supplemental is defined as work essential to accomplish the work in which the contractor is classified. A specialty contractor may use subcontractors to complete the incidental and supplemental work, or he may use his own employees to do so. (California Code of Regulations CCR 831)

Bidder's Contractors License Number _____

License Issued to Whom _____

Relationship of Bidder to License Holder _____

Classification _____

Expiration date _____

The bidder, by their signature on the Invitation for Bid, certifies under penalty of perjury the accuracy of the representations made on the bid form with regard to the contractor's license number(s), class, status in good standing and the expiration date.

***Subcontractors**

Name/Address _____
License No. _____
Classification _____
Expiration date _____

Name/Address _____
License No. _____
Classification _____
Expiration date _____

Name/Address _____
License No. _____
Classification _____
Expiration date _____

Name/Address _____
License No. _____
Classification _____
Expiration date _____

*Attach further detail for additional entries.

Other Requirements

The bidder shall comply with the Laws and Regulations governing the payment of prevailing wage as identified in the Labor Code, Part 7 (Public Works and Public Agencies), Chapter 1 (Public Works). Copies of the prevailing rate of per diem wages are on file at the Procurement Division headquarters and shall be made available to any interested party on request.

Before starting installation, the contractor must obtain and provide to the Procurement Division a payment bond on Standard Form 807. The bond shall be 100% of the total amount of the contract price for equipment and labor.

The state reserves the right to approve subcontractors.

Workman's Compensation Certification

By signing and submitting a bid, the bidder certifies that they are aware of the provisions of Section 3700 of the Labor Code which requires every employer to be insured against liability for workman's compensation or to undertake self-insurance in accordance with the provisions of that Code, and will comply with such provisions before commencing the performance of the work of this contract.